

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Stephen R. CARTER and Delos C. JENSEN

Serial No. 09/653,713 Examiner: SPOONER, Lamont M.

Filed: September 5, 2000 Art Unit: 2654

For: INTENTIONAL-STANCE CHARACTERIZATION OF A GENERAL  
CONTENT STREAM OR RESPOSITORY

Confirmation No. 8261

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION UNDER 37 CFR §1.321(b)

I, Ryan Richards, Vice President, Deputy General Counsel and Assistant Corporate Secretary, of Novell, Inc., a Delaware corporation, having a place of business at 1800 South Novell Place, M/S H544, Provo, Utah 84606, assignee of the entire right, assignee of the entire right, title and interest of the above described U.S. Patent Application No.09/653,713, filed September 5, 2000 for INTENTIONAL-STANCE CHARACTERIZATION OF A GENERAL CONTENT STREAM OR RESPOSITORY, by assignment recorded in Reel 011065, Frames 0544-0548, on September 5, 2000, represent that I am authorized to sign on behalf of assignee.

I hereby disclaim the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on commonly-assigned patent application, U.S. Patent Application No. 09/654,660, as the term of said prior patent as defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such


period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Attached is the fee prescribed under 37 CFR 1.20(d).

NOVELL, INC.



Ryan Richards  
Vice President and Deputy General Counsel

Dated: May 26, 2006

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